

REMARKS/ARGUMENTS

This Amendment is in response to the Final Office Action of July 13, 2005, in which the Examiner rejected remaining claims 1-10 and 13-16 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0087472 ("**Walter**")

Applicant appreciates the courtesy extended to Applicant's attorney during an interview with the Examiner on August 24, 2005.

By the present Amendment, Applicant has amended claim 13 in order to provide proper antecedent basis for the term "personal data."

As discussed during the interview, Applicant believes **Walter** does not anticipate claims 1-10 and 13-16, and thus the final rejection of the claims based on **Walter** should be withdrawn.

Walter discloses a system wherein a customer's privacy data may be encoded into a bar code or magnetic strip on a key flock or card. The card bearing the privacy data is a loyalty card or frequent shopper card (see paragraph 0044), rather than a payment instrument as in Applicant's claimed invention.

Further, **Walter** does not disclose a method of protecting consumer personal data wherein the receipt of personal data is obtained by "receiving an application for a payment instrument" and then "storing at least some of the personal data and privacy preference onto the payment instrument, wherein the payment instrument further includes customer account information", as all recited in claim 1. Also, **Walter** does not disclose that the personal data and privacy preference are "requested before the payment instrument is issued," and that the purchase request "is in response to presentation of the payment instrument and includes the customer account information and at least some of the personal data and the privacy data," as also recited by Applicant.

In summary, **Walter** does not disclose Applicant's system of collecting privacy preference information when the financial instrument is being applied for, nor does it show providing customer account information, personal data and privacy preferences, all on the payment instrument.

Appl. No. 10/027,696
Amdt. dated August 25, 2005
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3629

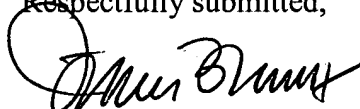
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CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



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